

SPECIAL ORDINANCE NO. S-187-88

AN ORDINANCE authorizing the City of Fort Wayne to make a temporary loan for the use of the General Fund, the Bond Repayment Fund, the Park General Fund, the Police Pension Fund, and the Firemen's Pension Fund, in calendar year 1989, in anticipation of current taxes levied in the year 1988 and collectible in the year 1989; authorizing the issuance of tax anticipation time warrants of the City to evidence that loan; pledging and appropriating the taxes to be received in those Funds to the payment of those tax anticipation time warrants including the interest thereon; and fixing a time when this Ordinance shall take effect.

WHEREAS, the City Controller, the Board of Park Commissioners, the Board of Trustees of the Fort Wayne Police Pension Fund and the Board of Trustees of the Fort Wayne Firemen's Pension Fund have represented and the Common Council now finds that there will be insufficient moneys in the City's General Fund, Bond Repayment Fund, Park General Fund, Police Pension Fund and Firemen's Pension Fund to meet the current expenses of the City and the Park District payable from those Funds, to meet the payments required for principal of and interest on the City's outstanding bonds payable from the Bond Repayment Fund and for the payment of pensions and benefits to retired members and dependents of deceased members and other benefits payable from the Police Pension Fund and the Firemen's Pension Fund, prior to the 1989 distribution of taxes levied for the General Fund, Park General Fund, Police Pension Fund and Firemen's Pension Fund; and

WHEREAS, the 1989 distribution of taxes to be collected for the General Fund, the Bond Repayment Fund, Park General Fund, Police Pension Fund and Firemen's Pension Fund will amount to more than \$12,500,000 and the interest cost of that temporary loan for the General Fund, Bond Repayment Fund, Park General Fund, Police Pension Fund and Firemen's Pension Fund; and

WHEREAS, this Common Council hereby finds, determines

and declares that it is necessary and proper for the City to make
1 a temporary loan for those Funds in anticipation of current tax
2 revenues to be received by those Funds, being taxes which have
3 been levied and are being collected in calendar year 1989; now,
4 therefore:

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. The City of Fort Wayne is authorized to
8 borrow, on a temporary loan for the use and benefit of the
9 General Fund, Bond Repayment Fund, Park General Fund, Police
10 Pension Fund and Firemen's Pension Fund of the City, the amount
11 of Twelve Million Five Hundred Thousand Dollars (\$12,500,000) in
12 anticipation of current tax revenues which have been levied and
13 are being collected for said Funds in and for the fiscal year
14 1989, and to issue tax anticipation time warrants of the City to
15 evidence that loan bearing interest at a rate or rates per annum
16 not to exceed a maximum rate of ten per centum (10%) per annum,
17 with that rate or those rates of interest to be determined by
18 competitive bidding at advertised public sale as hereinafter
19 provided. Those warrants shall be issued on the terms and
20 conditions as provided herein and the interest accruing on the
21 warrants to their date of maturity shall be added to and included
22 in the face value of the warrants. Those warrants, including
23 interest thereon, shall be payable from the General Fund, Bond
24 Repayment Fund, Park General Fund, Police Pension Fund and
25 Firemen's Pension Fund and there is hereby appropriated and
26 pledged to the payment of those warrants a sufficient amount of
27 tax revenues to be received in said General Fund, Bond Repayment
28 Fund, Park General Fund, Police Pension Fund and Firemen's
29 Pension Fund from the 1989 distribution of taxes for the General
30 Fund to the "General Fund 010, Account No. 2020-Tax Anticipation
31 Warrants Payable", from the 1989 distribution of taxes for the
32 Bond Repayment Fund to the "Bond Repayment Fund 201, Account No.
2020 - Tax Anticipation Warrants Payable," from the 1989
distribution of taxes for the Park General Fund to the "Park

1 General Fund 121, Account No. 2020 - Tax Anticipation Warrants
2 Payable," from the 1989 distribution of taxes for the Police
3 Pension Fund to the "Police Pension Fund 141, Account No. 2020-
4 Tax Anticipation Warrants Payable," and from the 1989
5 distribution of taxes for the Firemen's Pension Fund to the
6 "Firemen's Pension Fund 140, Account No. 2020 - Tax Anticipation
7 Warrants Payable" for the payment of the principal of the
8 warrants evidencing such temporary loan, and to the "General Fund
9 010, City Controller department 002, Accounts 4382 - Payment of
10 Interest," to the "Bond Repayment Fund 201, City Controller
11 Department 002, Accounts 4382 - Payment of Interest" to the "Park
12 General Fund 121, Park Department 121, Account No. 4382 - Payment
13 of Interest," to the "Police Pension Fund 141, Police Pension
14 Department 441, Account No. 4382 - Payment of Interest", and to
15 the "Firemen's Pension Fund 140, Firemen's Pension Department
16 440, Account No. 4382 - Payment of Interest" for the payment of
17 the interest on the warrants evidencing such temporary loan.

18 SECTION 2. The tax anticipation warrants herein
19 authorized for the General Fund, Bond Repayment Fund, Park
20 General Fund, Police Pension Fund and Firemen's Pension Fund (the
21 "Warrants") shall be issued in the aggregate principal amount set
22 forth in Section 1 hereof; shall be dated the date of their
23 issuance; shall mature on December 29, 1989; shall be issued in
24 such denominations as shall be requested by the original
25 purchaser and approved by the City Controller, provided that the
26 entire principal amount of the borrowing may be represented by a
27 single warrant; shall be numbered as determined by the City
28 Controller. The Warrants shall be executed in the name of the
29 City of Fort Wayne by the Mayor, countersigned by the City
30 Controller, and the corporate seal of the City shall be affixed
31 thereto and attested by the City Clerk, provided, however, that
32 all but one of these signatures may be facsimiles, and they shall
express upon their faces the

1 purpose for which they are issued and that they are issued
2 pursuant to this Ordinance.

3 SECTION 3. The principal of and interest on the
4 Warrants shall be payable, without deduction for the services of
5 any paying agent, in Federal Reserve funds of the United States
6 of America at the office of Fort Wayne National Bank, Fort Wayne,
7 Indiana.

8 SECTION 4. The City Controller is hereby authorized
9 and directed to have the Warrants prepared, and the Mayor, City
10 Controller, and City Clerk are hereby authorized and directed to
11 execute and deliver the Warrants to the purchaser or purchasers
12 and take all other actions required in connection therewith in
13 accordance with this Ordinance.

14 SECTION 5. The City Controller shall sell the Warrants
15 at public sale. Prior to the sale of the Warrants, the City
16 Controller shall cause to be published a notice of sale once each
17 week for two consecutive weeks in the Fort Wayne News-Sentinel
18 and in the fort Wayne Journal-Gazette, the first of each of such
19 publications to be not less than fifteen days prior to the date
20 fixed for the sale. Each bid for the Warrants shall be an all or
21 none bid.

22 SECTION 6. All proceeds of the sale of the Warrants
23 shall be paid into the appropriate Funds of the city and shall be
24 used only for the purposes for which the current tax revenues
25 anticipated are levied, including the payment of the costs of
26 issuing and servicing the Warrants.

27 SECTION 7. The levy by this City of the specific
28 current taxes anticipated by the Warrants is hereby acknowledged,
29 confirmed and ratified. Those taxes are in an aggregate amount
30 at least sufficient to provide funds to retire the Warrants at
31 their maturity. The proceeds of the current taxes anticipated
32 are to be applied to the extent required and as provided in this
Ordinance to the payment of the principal of and interest on the
Warrants at their maturity and are hereby pledged and
appropriated for that purpose.

1 SECTION 8. The City hereby covenants that it will
2 restrict the use of the proceeds of the Warrants in such manner
3 and to such extent, if any, as may be necessary so that the
4 Warrants will not constitute arbitrage bonds under Section 148 of
5 the Internal Revenue Code of 1986, as amended (the "Code"). The
6 City Controller, as the fiscal officer, or any other officer
7 having responsibility for the issuance of the Warrants shall give
8 an appropriate certificate of the City, for inclusion in the
9 transcript of proceedings for the Warrants, setting forth the
10 reasonable expectations of the City regarding the amount and use
11 of the proceeds of the Warrants, the facts, circumstances and
12 estimates on which they are based, and other facts and
13 circumstances relevant to the tax treatment of interest on the
14 Warrants.

15 The City covenants that it (a) will take or cause to
16 be taken such actions which may be required of it for the
17 interest on the Warrants to be and remain excluded from gross
18 income for federal income tax purposes, and (b) will not take or
19 permit to be taken any actions which would adversely affect such
20 exclusion, and that it, or persons acting for it, will, among
21 other acts of compliance, (i) apply the proceeds of the Warrants
22 to the governmental purpose of the borrowing, (ii) restrict the
23 yield on investment property acquired with those proceeds, (iii)
24 make timely rebate payments to the federal government, (iv)
25 maintain books and records and make calculations and reports, and
26 (v) refrain from certain uses of proceeds, all in such manner
27 and to the extent necessary to assure such exclusion of that
28 interest under the Code. The City Controller and other
29 appropriate officers are hereby authorized and directed to take
30 any and all actions, make calculations and rebate payments, and
31 make or give reports and certifications, as may be appropriate to
32 assure such exclusion of that interest.

 SECTION 9. It is hereby found, determined and declared
that all acts and conditions necessary to be done or to exist
precedent to and in the issuing of the Warrants in order to make

1 them legal, valid and binding special obligations of this City
2 have been performed and exist, or will at the time of delivery of
3 the Warrants have been performed and exist, in regular and due
4 form as required by law; and that the amount of indebtedness to
5 be incurred by the issuance of the Warrants does not exceed any
6 limitation of indebtedness as fixed by law or the amount of
7 borrowing permitted by Section 36-4-6-19 of the Indiana Code.

8 SECTION 10. All resolutions and ordinances of the City
9 in conflict herewith are to the extend of such conflict hereby
10 repealed.

11 SECTION 11. This Ordinance shall be in full force and
12 effect from and after its passage, and any and all necessary
13 approval by the Mayor.

14 Donald J. Schmidt
15 Councilmember
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Read the first time in full and on motion by Schmidt, seconded by Quadd, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock 11 .M., E.S.T.

DATED: 12-13-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Schmidt, seconded by Stier, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG				<u>✓</u>
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
STIER	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 12-27-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. S-187-88 on the 27th day of December, 1988.

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL Thomas E. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of December, 1988, at the hour of 11:00 o'clock 7 .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of December, 1988, at the hour of 2:30 o'clock P .M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. S-88-12-05 (no inserted)

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (XXXXXXXXXX) (RESOLUTION) Authorizing the

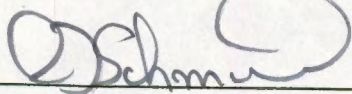
issuance of tax anticipation time warrants

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

YES

Hold

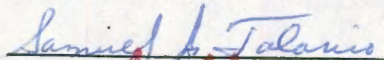
NO



DONALD J. SCHMIDT
CHAIRMAN



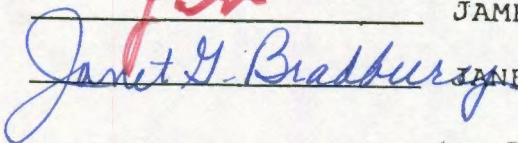
CHARLES B. REDD
VICE CHAIRMAN



SAMUEL J. TALARICO



JAMES S. STIER



JANET G. BRADBURY

CONCURRED IN 12-27-88



Sandra E. Kennedy
City Clerk

Admn. Appr. _____

DIGEST SHEET

*SP-12-05
as amended*

TITLE OF ORDINANCE ORDINANCE

DEPARTMENT REQUESTING ORDINANCE CONTROLLER'S OFFICER

SYNOPSIS OF ORDINANCE ALLOWS THE ISSUANCE OF TAX ANTICIPATION TIME WARRANTS

FOR THE YEAR 1989.

EFFECT OF PASSAGE TAX ANTICIPATION TIME WARRANTS WILL BE ISSUED

EFFECT OF NON-PASSAGE THE CITY WILL EXPERIENCE CASH FLOW PROBLEMS PRIOR

TO TAX DISTRIBUTION.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$12,000,000.00

ASSIGNED TO COMMITTEE (PRESIDENT) _____

1 AN ORDINANCE authorizing the City of Fort Wayne
2 to make a temporary loan for the use of the
3 General Fund, the Bond Repayment Fund, the Park
4 General Fund, the Police Pension Fund, and the
5 Firemen's Pension Fund, in calendar year 1989,
6 in anticipation of current taxes levied in the
7 year 1988 and collectible in the year 1989;
8 authorizing the issuance of tax anticipation
time warrants of the City to evidence that loan;
pledging and appropriating the taxes to be
received in those Funds to the payment of those
tax anticipation time warrants including the
interest thereon; and fixing a time when this
Ordinance shall take effect.

9 WHEREAS, the City Controller, the Board of Park
10 Commissioners, the Board of Trustees of the Fort Wayne Police
11 Pension Fund and the Board of Trustees of the Fort Wayne
12 Firemen's Pension Fund have represented and the Common Council
13 now finds that there will be insufficient moneys in the City's
14 General Fund, Bond Repayment Fund, Park General Fund, Police
15 Pension Fund and Firemen's Pension Fund to meet the current
16 expenses of the City and the Park District payable from those
17 Funds, to meet the payments required for principal of and
18 interest on the City's outstanding bonds payable from the Bond
19 Repayment Fund and for the payment of pensions and benefits to
20 retired members and dependents of deceased members and other
21 benefits payable from the Police Pension Fund and the
22 Firemen's Pension Fund, prior to the 1989 distribution of
23 taxes levied for the General Fund, Park General Fund, Police
24 Pension Fund and Firemen's Pension Fund; and

25 WHEREAS, the 1989 distribution of taxes to be collected
26 for the General Fund, the Bond Repayment Fund, Park General
27 Fund, Police Pension Fund and Firemen's Pension Fund will
28 amount to more than \$12,⁵000,000 and the interest cost of that
29 temporary loan for the General Fund, Bond Repayment Fund, Park
30 General Fund, Police Pension Fund and Firemen's Pension Fund;
31 and

32 WHEREAS, this Common Council hereby finds, determines
and declares that it is necessary and proper for the City to

PAGE 2

1 make a temporary loan for those Funds in anticipation of
2 current tax revenues to be received by those Funds, being
3 taxes which have been levied and are being collected in
4 calendar year 1989; now, therefore:

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. The City of Fort Wayne is authorized to
8 borrow, on a temporary loan for the use and benefit of the
9 General Fund, Bond Repayment Fund, Park General Fund, Police
10 Pension Fund and Firemen's Pension Fund of the City, the
11 amount of Twelve Million Dollars (\$12,⁵000,000) in anticipation
12 of current tax revenues which have been levied and are being
13 collected for said Funds in and for the fiscal year 1989, and
14 to issue tax anticipation time warrants of the City to
15 evidence that loan bearing interest at a rate or rates per
16 annum not to exceed a maximum rate of ten per centum (10%) per
17 annum, with that rate or those rates of interest to be
18 determined by competitive bidding at advertised public sale as
19 hereinafter provided. Those warrants shall be issued on the
20 terms and conditions as provided herein and the interest
21 accruing on the warrants to their date of maturity shall be
22 added to and included in the face value of the warrants.
23 Those warrants, including interest thereon, shall be payable
24 from the General Fund, Bond Repayment Fund, Park General Fund,
25 Police Pension Fund and Firemen's Pension Fund and there is
26 hereby appropriated and pledged to the payment of those
27 warrants a sufficient amount of tax revenues to be received in
28 said General Fund, Bond Repayment Fund, Park General Fund,
29 Police Pension Fund and Firemen's Pension Fund from the 1989
30 distribution of taxes for the General Fund to the "General
31 Fund 010, Account No. 2020-Tax Anticipation Warrants Payable",
32 from the 1989 distribution of taxes for the Bond Repayment
Fund to the "Bond Repayment Fund 201, Account No. 2020 - Tax
Anticipation Warrants Payable," from the 1989 distribution of
taxes for the Park General Fund to the "Park General Fund 121,

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Account No. 2020 - Tax Anticipation Warrants Payable," from the 1989 distribution of taxes for the Police Pension Fund to the "Police Pension Fund 141, Account No. 2020 - Tax Anticipation Warrants Payable," and from the 1989 distribution of taxes for the Firemen's Pension Fund to the "Firemen's Pension Fund 140, Account No. 2020 - Tax Anticipation Warrants Payable" for the payment of the principal of the warrants evidencing such temporary loan, and to the "General Fund 010, City Controller department 002, Accounts 4382 - Payment of Interest," to the "Bond Repayment Fund 201, City Controller Department 002, Accounts 4382 - Payment of Interest" to the "Park General Fund 121, Park Department 121, Account No. 4382 - Payment of Interest," to the "Police Pension Fund 141, Police Pension Department 441, Account No. 4382 - Payment of Interest", and to the "Firemen's Pension Fund 140, Firemen's Pension Department 440, Account No. 4382 - Payment of Interest" for the payment of the interest on the warrants evidencing such temporary loan.

SECTION 2. The tax anticipation warrants herein authorized for the General Fund, Bond Repayment Fund, Park General Fund, Police Pension Fund and Firemen's Pension Fund (the "Warrants") shall be issued in the aggregate principal amount set forth in Section 1 hereof; shall be dated the date of their issuance; shall mature on December ²⁹~~26~~, 1989; shall be issued in such denominations as shall be requested by the original purchaser and approved by the City Controller, provided that the entire principal amount of the borrowing may be represented by a single warrant; shall be numbered as determined by the City Controller. The Warrants shall be executed in the name of the City of Fort Wayne by the Mayor, countersigned by the City Controller, and the corporate seal of the City shall be affixed thereto and attested by the City Clerk, provided, however, that all but one of these signatures may be facsimiles, and they shall express upon their faces the

1 purpose for which they are issued and that they are issued
2 pursuant to this Ordinance.

3 SECTION 3. The principal of and interest on the
4 Warrants shall be payable, without deduction for the services
5 of any paying agent, in Federal Reserve funds of the United
6 States of America at the office of Fort Wayne National Bank,
7 Fort Wayne, Indiana.

8 SECTION 4. The City Controller is hereby authorized
9 and directed to have the Warrants prepared, and the Mayor,
10 City Controller, and City Clerk are hereby authorized and
11 directed to execute and deliver the Warrants to the purchaser
12 or purchasers and take all other actions required in
13 connection therewith in accordance with this Ordinance.

14 SECTION 5. The City Controller shall sell the Warrants
15 at public sale. Prior to the sale of the Warrants, the City
16 Controller shall cause to be published a notice of sale once
17 each week for two consecutive weeks in the Fort Wayne News-
18 Sentinel and in the fort Wayne Journal-Gazette, the first of
19 each of such publications to be not less than fifteen days
20 prior to the date fixed for the sale. Each bid for the
21 Warrants shall be an all or none bid.

22 SECTION 6. All proceeds of the sale of the Warrants
23 shall be paid into the appropriate Funds of the city and shall
24 be used only for the purposes for which the current tax
25 revenues anticipated are levied, including the payment of the
26 costs of issuing and servicing the Warrants.

27 SECTION 7. The levy by this City of the specific
28 current taxes anticipated by the Warrants is hereby
29 acknowledged, confirmed and ratified. Those taxes are in an
30 aggregate amount at least sufficient to provide funds to
31 retire the Warrants at their maturity. The proceeds of the
32 current taxes anticipated are to be applied to the extent
required and as provided in this Ordinance to the payment of
the principal of and interest on the Warrants at their
maturity and are hereby pledged and appropriated for that

purpose.

SECTION 8. The City hereby covenants that it will restrict the use of the proceeds of the Warrants in such manner and to such extent, if any, as may be necessary so that the Warrants will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The City Controller, as the fiscal officer, or any other officer having responsibility for the issuance of the Warrants shall give an appropriate certificate of the City, for inclusion in the transcript of proceedings for the Warrants, setting forth the reasonable expectations of the City regarding the amount and use of the proceeds of the Warrants, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of interest on the Warrants.

The City covenants that it (a) will take or cause to be taken such actions which may be required of it for the interest on the Warrants to be and remain excluded from gross income for federal income tax purposes, and (b) will not take or permit to be taken any actions which would adversely affect such exclusion, and that it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Warrants to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code. The City Controller and other appropriate officers are hereby authorized and directed to take any and all actions, made calculations and rebate payments, and make or give reports and certifications, as may be appropriate to assure such exclusion of that interest.

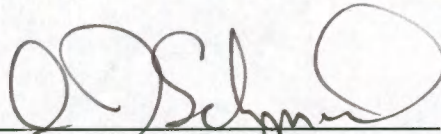
SECTION 9. It is hereby found, determined and declared

PAGE 6

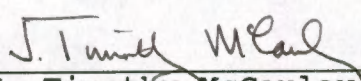
that all acts and conditions necessary to be done or to exist precedent to and in the issuing of the Warrants in order to make them legal, valid and binding special obligations of this City have been performed and exist, or will at the time of delivery of the Warrants have been performed and exist, in regular and due form as required by law; and that the amount of indebtedness to be incurred by the issuance of the Warrants does not exceed any limitation of indebtedness as fixed by law or the amount of borrowing permitted by Section 36-4-6-19 of the Indiana Code.

SECTION 10. All resolutions and ordinances of the City in conflict herewith are to the extend of such conflict hereby repealed.

SECTION 11. This Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.


COUNCILMEMBER

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney